

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Final Office Action dated March 15, 2006. In the Office Action, the Patent Office rejected Claims 1 and 3-7 under 35 U.S.C. § 102(b) as being anticipated by *Reeley*. (United States Patent Number: 6,166,627) Additionally, the Patent Office rejected Claim 2 under 35 U.S.C. § 103 as being unpatentable over *Reeley*.

The Patent Office rejected Claims 1 and 3-7 under 35 U.S.C. § 102(b) as being anticipated by *Reeley*. The Patent Office states that Claims 1 and 3-7 are met by *Reeley* wherein "the first and second triggers that activate an alarm on a nearby motor vehicle, and a second trigger that transmits the location to a recipient at a distant location that communicates with a ground dispatch station is met by the keyboard control unit which controls alarm outputs based on sensed vehicle conditions and thereby causes actuation of a local alarm signal to a central monitoring facility."

The Patent Office further states that "the switch for activating and deactivating the security is met by the remote control transmitter" and "the second trigger that transmits a signal containing location information is met by the control unit transmitting location information to the central monitoring facility."

Reeley teaches a mobile detection and alert vehicle tracking and security system. The system is typically used for an individual vehicle but may be used multiple vehicles. The mobile detection and alert system provides vehicle security, allowing a response in case of vehicle theft, an accident, vehicle breakdown, or other emergency. Guardian and tracking functions are provided through keyboard control units which are installed in vehicles to be monitored. The keyboard control units communicate with a central monitoring facility in at least one-way, and possibly a two-way, communication. The keyboard control unit provides vehicle theft and intrusion protection using an in-vehicle alarm and security system linked to the central monitoring facility by a transceiver in the keyboard control unit.

Amended Claim 1 requires an improved GPS device having a radio portion that communicates with a plurality of satellites for determining a location of the device. Amended Claim 1 further requires the capability for triggering multiple warnings at different locations,

including a first trigger that activates an alarm on a nearby motor vehicle and a second trigger that transmits a signal containing location information relating to the device. Amended Claim 1 further requires the signal to be transmitted to a recipient at a distant location from the device and allows the recipient to communicate with a ground dispatch station to determine the location of the transmitted signal.

Reeley does not teach or suggest a capability for triggering multiple warnings at different locations, including a second trigger that transmits a signal containing location information relating to the device and further wherein the signal is transmitted to a recipient at a distant location from the device as required by Claim 1 of the present invention. Moreover, *Reeley* does not teach or suggest that a recipient communicates with a ground dispatch station to determine the location of the transmitted signal as required by Claim 1 of the subject application. On the contrary *Reeley* does not transmit to a recipient at a distant location to notify the recipient of the vehicle's location. *Reeley* relies on the audible alarm sound to notify a recipient and does not allow for the transmission of the signal to the recipient or third party as required by Claim 1 of the present invention.

Under 35 U.S.C. §102(b), anticipation requires that a single reference disclose each and every element of Applicant's claimed invention. *Akzo N.V. v. U.S. International Trade Commission*, 808 F.2d 1471, 1479, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986).

Moreover, anticipation is not shown even if the differences between the claims and the reference are "insubstantial" and one skilled in the art could supply the missing elements. *Structure Rubber Products Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 USPQ 1264, 1270 (Fed. Cir. 1984).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (MPEP § 2131). As can be gleaned from the cited case law, the requirement is that each element must be either expressly or inherently described. In examining the portion of the cited reference that the examiner has referred the applicant to col. 10, lines 22-25 and col. 7, lines 2-16. There is, however, no description of a

second trigger that transmits the location to a recipient at a distant location that communicate with a ground dispatch station.

In view of the foregoing remarks and amendments, the rejection of Claims 1, and 3-7 under 35 U.S.C. §102(b) as being anticipated by *Reeney* has been overcome and should be withdrawn. Notice to that effect is requested.

As to the rejection of Claim 2 under 35 U.S.C. §103(a) as being unpatentable over *Reeley*, Applicant respectfully asserts that the claim is further believed allowable over *Reeley* for the same reasons set forth with respect to independent Claim 1, since the claim sets forth additional novel elements of Applicant's Combination Car Alarm and Personal Locator System. Moreover, Applicant respectfully asserts that the amendment to Claims 1 further distinguishes the present invention from the prior art reference.

Again, *Reeley* teaches a mobile detection and alert vehicle tracking and security system. The system is typically used for an individual vehicle but may be used multiple vehicles. The mobile detection and alert system provides vehicle security, allowing a response in case of vehicle theft, an accident, vehicle breakdown, or other emergency. Guardian and tracking functions are provided through keyboard control units which are installed in vehicles to be monitored. The keyboard control units communicate with a central monitoring facility in at least one-way, and possibly a two-way, communication. The keyboard control unit provides vehicle theft and intrusion protection using an in-vehicle alarm and security system linked to the central monitoring facility by a transceiver in the keyboard control unit.

Reeley, taken singly, does not teach or suggest the device or method disclosed by the applicant. More specifically, *Reeley* does not teach or suggest a second trigger that transmits a signal containing location information relating to the device and further wherein the signal is transmitted to a recipient at a distant location from the device and further wherein the recipient communicates with a ground dispatch station to determine the location of the transmitted signal.

Further, the Patent Office provided no teaching as to why one having ordinary skill in the art would have been led to modify *Reeley* to create Applicant's invention. Since the Patent Office

failed to establish a *prima facie* case of obviousness, Applicant believes that the rejection of Claim 2 under 35 U.S.C. §103(a) should be withdrawn. Notice to that effect is requested.

It is submitted that the question under §103 is whether the totality of the art would collectively suggest the claimed invention to one of ordinary skill in this art. In re Simon, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements somewhere in the art. Moreover, most if not all elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of the teaching of the reference, would have been obvious to one of ordinary skill in the art at the time the invention was made. Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983).

It is insufficient that the art disclosed components of Applicants' invention. A teaching, suggestion, or incentive must exist to make the combination made by Applicants. Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988).

In view of the foregoing remarks and amendments, the rejection of Claim 2 under 35 U.S.C. §103(a) as being unpatentable over *Reeley* has been overcome and should be withdrawn. Notice to that effect is requested.

Claims 2-7 depend from Claim 1. These claims are further believed allowable over *Reeley* for the same reasons set forth with respect to independent Claim 1 since each sets forth additional novel components of Applicant's Combination Car Alarm and Personal Locator System.

Request For Allowance

In view of the foregoing remarks, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,



Hani Z. Sayed
Registration No. 52,544

Rutan & Tucker
611 Anton Blvd., 14th Floor
Costa Mesa, CA 92626-1931
Telephone (714) 641-5100
Fax (714) 546-9035